

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

ORDINANCE NO. _____

Amending MCC Chapters 11.15, 33, 34, 35, 36 and 38 Relating to Off-Street Parking and Loading Standards.

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

The Multnomah County Board of Commissioners Finds:

- a. Periodically, there is a need to amend County land use policies or regulations to address a change in law or circumstance; to implement elements of the Multnomah County Comprehensive Plan; or to make technical corrections for, among other things, clarification and consistency (commonly referred to as “housekeeping amendments”). Having identified such need, the Multnomah County Planning Commission recommended the adoption of this ordinance to the Board of County Commissioners. The Planning Commission made such recommendation through adoption of the resolution described below and pursuant to its authority in MCC 33.0140, 34.0140, 35.0140, 36.0140, 37.0710, and 38.0710 and in ORS 215.110.
- b. Planning Commission Resolution No. PC 2013-2900 relates to criteria for approval of Off-Street Parking and Loading. The Off-Street Parking and Loading regulations were adopted initially in the mid-1950s and the requirements for driveway construction have not seen substantial amendment since the late 1970s. This ordinance amends such regulations by providing flexibility for Multnomah County to consider a proposal for an alternative driveway width and/or alternative driveway surfacing requirements, such as gravel. The county’s review of an alternative driveway design will focus on assuring safe access and avoidance of off-site impacts.
- c. The Planning Commission held a public hearing on February 3, 2014, during which all interested persons were given the opportunity to appear and be heard. Notice of the Planning Commission’s hearing was published in the Oregonian newspaper and on the website of the Multnomah County Land Use Planning Program. Individual notice under ORS 215.503 (commonly referred to as “Ballot Measure 56 notice”) is not required because this ordinance will not: amend any element of the county’s comprehensive plan, enact a new comprehensive plan, change any base zoning classification, or limit or prohibit any land use previously allowed in any affected zone.
- d. The Planning Commission’s recommendation is sound and derives from the proper execution of its duties and authority.

Multnomah County Ordains as Follows:

Section 1. MCC 33.4170, 34.4170, 35.4170 and 36.4170 are amended as follows:

33.4170 ACCESS

34.4170 ACCESS

35.4170 ACCESS

36.4170 ACCESS

(A) Where a parking or loading area does not abut directly on a public street or private street approved under MCC 33.7700 et seq., the Land Division Chapter, there shall be provided an unobstructed ~~paved~~ driveway not less than 20 feet in width for two-way traffic, leading to a public street or approved private street. Traffic directions therefore shall be plainly marked.

(B) The Approval Authority may permit and authorize a deviation from the dimensional standard in paragraph (A) of this section upon finding that all the following standards in subparagraphs (1) through (4) are met:

(1) The authorized provider of structural fire service protection services verifies that the proposed deviation complies with such provider's fire apparatus access standards, or, if there is no such service provider, the building official verifies that the proposed deviation complies with the Oregon Fire Code;

(2) The County Engineer verifies that the proposed deviation complies with the County Road Rules and the County Design and Construction Manual Standards;

(3) Application of the dimensional standard would present a practical difficulty or would subject the property owner to unnecessary hardship; and

(4) Authorization of the proposed deviation would not:

(a) be materially detrimental to the public welfare;

(b) be injurious to property in the vicinity or the zoning district in which the property is located; or

(c) adversely affect the appropriate development of adjoining properties.

(C) ~~(B)~~ Parking or loading space in a public street shall not be counted in fulfilling the parking and loading requirements of this section. Required spaces may be located in a private street when authorized in the approval of such private street.

Section 2. MCC 33.4180, 34.4180, 35.4180 and 36.4180 are amended as follows:

33.4180 IMPROVEMENTS

34.4180 IMPROVEMENTS

35.4180 IMPROVEMENTS

36.4180 IMROVEMENTS

(A) Surfacing

(1) Except as otherwise provided in this section, A~~all~~ areas used for parking, loading or maneuvering of vehicles, including the driveway, shall be surfaced with at least two inches of blacktop on a four inch crushed rock base or at least six inches of ~~p~~Portland cement, unless a design providing additional load capacity is required by the fire service provider, building official or County Engineer, as applicable. ~~or other material providing a durable and dustless surface capable of carrying a wheel load of 4,000 pounds. Parking areas with fewer than four required parking spaces may be surfaced with four inches of gravel.~~

(2) The Approval Authority may permit and authorize a deviation from the surfacing standard in paragraph (A)(1) of this section and thereby authorize A~~alternate porous~~ surfacing systems that provide a durable and dustless surface, including gravel. A deviation under this paragraph may be permitted and authorized only upon finding that each parking area supporting the existing and the proposed development meets the following standards in subparagraphs (a) and (b) and, for parking areas of four or more required parking spaces, also meets the following standards in subparagraphs (c) and (d): ~~capable of carrying a wheel load of 4,000 pounds may be used instead of the blacktop or cement materials in (1) above when approved by the County Engineer. However, approaches to public rights of way shall be paved for a minimum distance of 21 feet from the fog line, or for a greater distance when required by the County Engineer.~~

(a) The authorized provider of structural fire protection services verifies that the proposed deviation complies with such provider's fire apparatus access standards, or, if there is no such service provider, the building official verifies that the proposed deviation complies with the Oregon Fire Code;

(b) The County Engineer verifies that the proposed deviation complies with the County Road Rules and the County Design and Construction Manual Standards. Alternative surfacing can be considered for all areas used for parking, loading and maneuvering, including the driveway; however, approaches to paved public rights-of-way shall be paved for a minimum distance of 21 feet from the fog line, or for a greater distance when required by the County Engineer;

(c) Authorization of the proposed deviation would not:

1. be materially detrimental to the public welfare;
2. be injurious to property in the vicinity or zoning district in which the property is located; or
3. adversely affect the appropriate development of adjoining properties; and

(d) Any impacts resulting from the proposed surfacing are mitigated to the extent practical. Mitigation may include, but is not limited to, such considerations as provision for pervious drainage capability, drainage runoff control and dust control. A dust control plan is required when a dwelling, excluding any dwelling served by the driveway, is located within 200-feet of any portion of the driveway for which gravel or other similar surfacing materials is proposed. Common dust control measures include, but are not limited to, reduced travel speeds, gravel maintenance planning, establishment of windbreaks and use of binder agents.

(3) Notwithstanding paragraph (A)(1) of this section, Large parking fields for intermittent uses, such as special events associated with farm stands and public parks, sporting events, and the like, may be surfaced with gravel, ~~or~~ grass or both and spaces may be unmarked if the parking of vehicles is supervised. Grass fields used for parking shall be maintained so that grass is kept short and watered to minimize fire risk and reduce dust.

Section 3. MCC 38.4170 is amended as follows:

38.4170 ACCESS

(A) Where a parking or loading area does not abut directly on a public street or private street approved under MCC 38.7700 et seq., the Land Division Chapter, there shall be provided an unobstructed ~~paved~~ driveway not less than 20 feet in width for two-way traffic, leading to a public street or approved private street. Traffic directions therefore shall be plainly marked.

(B) The Approval Authority may permit and authorize a deviation from the dimensional standard in paragraph (A) of this section upon finding that all the following standards in subparagraphs (1) through (4) are met:

- (1) The authorized provider of structural fire protection services verifies that the proposed deviation complies with such provider's fire apparatus access standards, or, if there is no such service provider, the building official verifies that the proposed deviation complies with the Oregon Fire Code;
- (2) The County Engineer verifies that the proposed deviation complies with the County Road Rules and the County Design and Construction Manual Standards;

(3) Application of the dimensional standard would present a practical difficulty, subject the property owner to unnecessary hardship, or adversely affect one or more scenic, natural, cultural or recreational resources of the Scenic Area; and

(4) Authorization of the proposed deviation would not:

(a) be materially detrimental to the public welfare. Material detriment to the public welfare includes, but is not limited to, authorization of a deviation that would adversely affect one or more scenic, natural, cultural or recreational resources of the Scenic Area;

(b) be injurious to property in the vicinity or the zoning district in which the property is located; or

(c) adversely affect the appropriate development of adjoining properties.

~~(C)(B)~~ Parking or loading space in a public street shall not be counted in fulfilling the parking and loading requirements of this section. Required spaces may be located in a private street when authorized in the approval of such private street.

Section 4. MCC 38.4180 is amended as follows:

38.4180 IMPROVEMENTS

(A) Surfacing

(1) Unless as otherwise provided in either this section or MCC 38.7380 for Special Uses in Historic Buildings; A-all areas used for parking, loading or maneuvering of vehicles, including the driveway, shall be surfaced with at least either gravel or two inches of blacktop on a four inch crushed rock base or at least six inches of pPortland cement, unless a design providing additional load capacity is required by the fire service provider, building official or County Engineer, as applicable. or other material providing a durable surface capable of carrying a wheel load of 4,000 pounds.

(2) The Approval Authority may permit and authorize a deviation from the surfacing standard in paragraph (A)(1) of this section and thereby authorize alternate surfacing systems that provide a durable and dustless surface, including gravel. A deviation under this paragraph may be permitted and authorized only upon finding that each parking area supporting the existing and proposed development meets the following standards in subparagraphs (a) and (b) and, for parking areas of four or more required spaces, also meets the following standards in subparagraphs (c) and (d):

(a) The authorized provider of structural fire protection services verifies that the proposed deviation complies with such provider's fire apparatus access standards, or, if there is no such service provider, the building official verifies that the proposed deviation complies with the Oregon Fire Code;

(b) The County Engineer verifies that the proposed deviation complies with the County Road Rules and the County Design and Construction Manual Standards. Alternative surfacing can be considered for all areas used for parking, loading and maneuvering, including the driveway; however, approaches to paved public rights-of-way shall be paved for a minimum distance of 21 feet from the fog line, or for a greater distance when required by the County Engineer;

(c) Authorization of the proposed deviation would not:

1. be materially detrimental to the public welfare. Material detriment to public welfare includes, but is not limited to, authorizing a proposed deviation that would adversely affect one or more scenic, natural, cultural or recreational resources of the Scenic Area;

2. be injurious to property in the vicinity or the zoning district in which the property is located; or

3. adversely affect the appropriate development of adjoining properties; and

(d) Any impacts resulting from the proposed surfacing are mitigated to the extent practical. Mitigation may include but is not limited to such considerations as provision for pervious drainage capability, drainage runoff control and dust control. A dust control plan is required when a dwelling, excluding any dwelling served by the driveway, is located within 200-feet of any portion of the driveway for which gravel or other similar surfacing materials is proposed. Common dust control measures include, but are not limited to, reduced travel speeds, gravel maintenance planning, establishment of windbreaks and use of binder agents.

~~(2) Large parking fields for intermittent uses such as amusement parks, race tracks, stadiums, and the like may be surfaced with gravel or grass and spaces may be unmarked if the parking of vehicles is supervised.~~

Section 5. MCC 11.15.6128 is amended as follows:

11.15.6128 ACCESS

A. Where a parking or loading area does not abut directly on a public street or private street approved under MCC 11.45, the Land Division Chapter, there shall be provided an unobstructed ~~paved~~ driveway not less than 20 feet in width for two-way traffic, leading to a public street or approved private street. Traffic directions therefore shall be plainly marked.

B. The Approval Authority may permit and authorize a deviation from the dimensional standard in paragraph (A) of this section upon finding that all the following standards in subparagraphs (1) through (4) are met:

1. The authorized provider of structural fire protection services verifies that the proposed deviation complies with such provider's fire apparatus access standards, or, if there is no such service provider, the building official verifies that the proposed deviation complies with the Oregon Fire Code;
2. The County Engineer verifies that the proposed deviation complies with the County Road Rules and the County Design and Construction Manual Standards;
3. Application of the dimensional standard would present a practical difficulty or would subject the property owner to unnecessary hardship; and
4. Authorization of the proposed deviation would not:
 - (a) be materially detrimental to the public welfare;
 - (b) be injurious to property in the vicinity or the zoning district in which the property is located; or
 - (c) adversely affect the appropriate development of adjoining properties.

C. B. Parking or loading space in a public street shall not be counted in fulfilling the parking and loading requirements of this section. Required spaces may be located in a private street when authorized in the approval of such private street.

Section 6. MCC 11.15.6132 is amended as follows:

11.15.6132 IMPROVEMENTS

1. Except as otherwise provided in this section, ~~All~~ areas used for parking, loading or maneuvering of vehicles, including the driveway, shall be surfaced with at least two inches of blacktop on a four inch crushed rock base or at least six inches of ~~p~~Portland cement, unless a design providing additional load capacity is required by the fire service provider, building official or County Engineer, as applicable. ~~or other material providing a durable and dustless surface capable of carrying a wheel load of 4,000 pounds.~~
2. The Approval Authority may permit and authorize a deviation from the surfacing standard in paragraph (A)(1) of this section and thereby authorize alternate surfacing systems that provide a durable and dustless surface, including gravel. A deviation under this paragraph may be permitted and authorized only upon finding that each parking area supporting the existing and proposed development meets the following standards in subparagraphs (a) and (b) and, for parking areas of four or more required spaces, also meets the following standards in subparagraphs (c) and (d):

- a. The authorized provider of structural fire protection services verifies that the proposed deviation complies with such provider's fire apparatus access standards, or, if there is no such service provider, the building official verifies that the proposed deviation complies with the Oregon Fire Code;
- b. The County Engineer verifies that the proposed deviation complies with the County Road Rules and the County Design and Construction Manual Standards. Alternative surfacing can be considered for all areas used for parking, loading and maneuvering, including the driveway; however, approaches to paved public rights-of-way shall be paved for a minimum distance of 21 feet from the fog line, or for a greater distance when required by the County Engineer;
- c. Authorization of the proposed deviation would not:
1. be materially detrimental to the public welfare;
 2. be injurious to property in the vicinity or the zoning district in which the property is located; or
 3. adversely affect the appropriate development of adjoining properties;
and
- d. Any impacts resulting from the proposed surfacing are mitigated to the extent practical. Mitigation may include but is not limited to such considerations as provision for pervious drainage capability, drainage runoff control and dust control. A dust control plan is required when a dwelling, excluding any dwelling served by the driveway, is located within 200-feet of any portion of the driveway for which gravel or other similar surfacing materials is proposed. Common dust control measures include, but are not limited to, reduced travel speeds, gravel maintenance planning, establishment of windbreaks and use of binder agents.
- 3.2. Notwithstanding paragraph (A)(1) of this section, Large parking fields for intermittent uses, such as special events associated with farm stands and public parks, sporting events amusement parks, race tracks, stadiums, and the like, may be surfaced with gravel, or grass or both and spaces may be unmarked if the parking of vehicles is supervised. Grass fields used for parking shall be maintained so that grass is kept short and watered to minimize fire risk and reduce dust.

Section 7. **MCC 33.3380 is amended as follows:**

33.3380 **OFF-STREET PARKING AND LOADING**

Off-street parking and loading shall be provided as required by MCC 33.4100 through 33.4220 except as identified below for Review Uses and Conditional Uses.

New, replacement or expansion of existing commercial, industrial, or community service developments shall minimize stormwater drainage impacts for off-street parking by:

(A) Surfacing:

(1) All areas used for parking, loading or maneuvering of vehicles, including the driveway, shall either be hard surfaced with at least two inches of blacktop on a four inch crushed rock base or at least six inches of portland cement or other material providing a durable and dustless surface ~~capable of carrying a wheel load of 4,000 pounds~~, or shall be surfaced with a gravel mix, wherein the fine particles are removed at the production yard, that provides a durable and dustless surface, unless a design providing additional load capacity is required by the fire service provider, building official or County Engineer, as applicable ~~capable of carrying a wheel load of 4,000 pounds~~.

(2) Approaches to paved public rights-of-way shall be paved for a minimum distance of 21' from the fog line, or for a greater distance when required by the County Engineer.

Section 8. **MCC 35.3380 is amended as follows:**

35.3380 **OFF-STREET PARKING AND LOADING**

Off-street parking and loading shall be provided as required by MCC 35.4100 through 35.4220 except as identified below for Review Uses and Conditional Uses.

New, replacement or expansion of existing commercial, industrial, or community service developments shall minimize stormwater drainage impacts for off-street parking by:

(A) Surfacing

(1) All areas used for parking, loading or maneuvering of vehicles, including the driveway, shall either be hard surfaced with at least two inches of blacktop on a four inch crushed rock base or at least six inches of portland cement or other material providing a durable and dustless surface ~~capable of carrying a wheel load of 4,000 pounds~~ or shall be surfaced with a gravel mix, wherein the fine particles are removed at the production yard, that provides a durable and dustless surface, unless a design providing additional load capacity is required by the fire service provider, building official or County Engineer, as applicable ~~capable of carrying a wheel load of 4,000 pounds~~.

(2) Approaches to paved public rights-of-way shall be paved for a minimum distance of 21' from the fog line, or for a greater distance when required by the County Engineer.

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 _____
Jed Tomkins, Assistant County Attorney

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