

## **ORDINANCE No. 188884 As Amended**

\*Amend the Building Regulations to include building permit requirements for retaining walls over four feet in height and maintenance agreements for shared building elements across a property line (Ordinance; amend Code Title 24)

The City of Portland Ordains:

### Section 1. The City Council Finds:

1. The Bureau of Development Services (BDS) promotes safety, livability, and economic vitality through efficient and collaborative application of building and development codes.
2. Per Portland City Title 3, BDS administers and enforces Portland City Code (PCC) Title 24, Building Regulations.
3. Title 24, Building Regulations adopts the Oregon Residential Specialty Code (ORSC) by reference.
4. Title 24 also contains development regulations that are not addressed in the ORSC.
5. On January 1, 2018, the State of Oregon Building Code Division (BCD) enacted a new ORSC which, among other things, exempted retaining walls from permits when they do not support a regulated building, or do not retain material which, if not restrained, could impact a regulated building. BCD also removed maintenance agreement requirements from the ORSC.
6. There are no other State or City building regulations that require permits for retaining walls or maintenance agreements.
7. To address this regulatory gap and to continue to maintain permit review requirements for retaining walls and maintenance agreements BDS is amending Title 24 to adopt retaining wall and maintenance agreement requirements that are no longer regulated under the ORSC. The amendments are as follows:
  - a. Require easement and maintenance agreements if any building element, structure, or utility crosses a real property line.
  - b. Require a permit for all retaining walls over 4 feet in height.
  - c. Add a definition for retaining wall.

- d. Require specific design requirements for retaining walls.
- 8. These amendments will maintain BDS permit, review and application requirements.

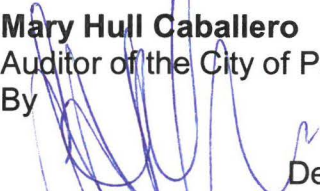
NOW, THEREFORE, the Council directs:

- a) Portland City Code Title 24 to be amended as set forth in Exhibit A.

Section 2. The Council declares that an emergency exists because it is in the public interest to maintain permit and review requirement for retaining walls and maintenance agreements. Therefore, this ordinance shall be in full force and effect upon its passage by Council.

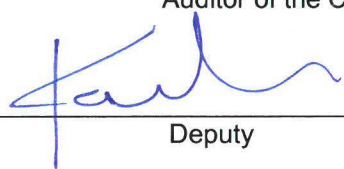
Passed by the Council: APR 04 2018

Commissioner Chloe Eudaly  
Prepared by: Mieke Keenan, BDS  
Date Prepared: March 21, 2018

**Mary Hull Caballero**  
Auditor of the City of Portland  
By  Deputy

Agenda No.  
**ORDINANCE NO. 188884** As Amended  
 Title

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<p style="text-align: center;"><b>INTRODUCED BY</b>                  Commissioner/Auditor:  <b>Commissioner Chloe Eudaly</b></p>	<p>CLERK USE: DATE FILED <u>MAR 27 2018</u></p>
<p style="text-align: center;"><b>COMMISSIONER APPROVAL</b></p> <p>Mayor—Finance &amp; Administration - Wheeler</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Eudaly <i>for Eudaly</i></p>	<p style="text-align: center;">Mary Hull Caballero                  Auditor of the City of Portland</p> <p>By: <u></u>                  Deputy</p>
<p style="text-align: center;"><b>BUREAU APPROVAL</b></p> <p>Bureau of Development Services                  Bureau Head: <i>for R.E.</i>                  Rebecca Esau, Director</p> <p>Prepared by: Leanne Torgerson                  Date Prepared: March 12, 2018</p> <p>Impact Statement                  Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p> <p>Portland Policy Document                  If "Yes" requires City Policy paragraph stated in document.                  Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p><b>City Auditor Office Approval:</b>                  required for Code Ordinances <i>TONI</i></p> <p><b>City Attorney Approval:</b>                  required for contract, code, easement, franchise, comp plan, charter <i>AT</i></p> <p>Council Meeting Date  <b>March 21, 2018</b> <i>JD</i></p>	
<p><b>ACTION TAKEN:</b></p>	

**AGENDA**

**TIME CERTAIN**

Start time: \_\_\_\_\_

Total amount of time needed: \_\_\_\_\_  
 (for presentation, testimony and discussion)

**CONSENT**

**REGULAR**

Total amount of time needed: **10 minutes**  
 (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Eudaly	4. Eudaly	✓	
Wheeler	Wheeler	✓	